

AMENDED IN ASSEMBLY APRIL 18, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2158

Introduced by Assembly Member Evans

February 21, 2006

An act to amend Section 65584.04 of the Government Code, relating to regional housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2158, as amended, Evans. Regional housing needs.

Existing law requires that at least 2 years prior to a scheduled revision of a city or county housing element of its general plan, each council of governments or delegate subregion shall develop a proposed methodology for distributing the existing and projected housing need to cities, counties, and cities and counties within the region or subregion. The methodology includes a list of specified factors.

This bill would add to that list the factors *of* adopted spheres of influence for all local agencies in the region and adopted policies of the local agency formation commission ~~in the region that relate to logical and orderly urban growth patterns.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65584.04 of the Government Code is
2 amended to read:

65584.04. (a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall be consistent with the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (d) that will allow the development of a methodology based upon the factors established in subdivision (d).

(2) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(3) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(4) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (d) prior to the public comment period provided for in subdivision (c).

(c) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community. The proposed methodology, along with any relevant underlying data and assumptions, and an explanation of how information about local government conditions gathered pursuant

1 to subdivision (b) has been used to develop the proposed
2 methodology, and how each of the factors listed in subdivision
3 (d) is incorporated into the methodology, shall be distributed to
4 all cities, counties, any subregions, and members of the public
5 who have made a written request for the proposed methodology.
6 The council of governments, or delegate subregion, as applicable,
7 shall conduct at least one public hearing to receive oral and
8 written comments on the proposed methodology.

9 (d) To the extent that sufficient data is available from local
10 governments pursuant to subdivision (b) or other sources, each
11 council of governments, or delegate subregion as applicable,
12 shall include the following factors to develop the methodology
13 that allocates regional housing needs:

14 (1) Each member jurisdiction's existing and projected jobs and
15 housing relationship.

16 (2) The opportunities and constraints to development of
17 additional housing in each member jurisdiction, including all of
18 the following:

19 (A) Lack of capacity for sewer or water service due to federal
20 or state laws, regulations or regulatory actions, or supply and
21 distribution decisions made by a sewer or water service provider
22 other than the local jurisdiction that preclude the jurisdiction
23 from providing necessary infrastructure for additional
24 development during the planning period.

25 (B) The availability of land suitable for urban development or
26 for conversion to residential use, the availability of underutilized
27 land, and opportunities for infill development and increased
28 residential densities. The council of governments may not limit
29 its consideration of suitable housing sites or land suitable for
30 urban development to existing zoning ordinances and land use
31 restrictions of a locality, but shall consider the potential for
32 increased residential development under alternative zoning
33 ordinances and land use restrictions.

34 (C) Lands preserved or protected from urban development
35 under existing federal or state programs, or both, designed to
36 protect open space, farmland, environmental habitats, and natural
37 resources on a long-term basis.

38 (D) County policies to preserve prime agricultural land, as
39 defined pursuant to Section 56064, within an unincorporated
40 area.

1 (3) The distribution of household growth assumed for
2 purposes of a comparable period of regional transportation plans
3 and opportunities to maximize the use of public transportation
4 and existing transportation infrastructure.

5 (4) The market demand for housing.

6 (5) Agreements between a county and cities in a county to
7 direct growth toward incorporated areas of the county.

8 (6) The loss of units contained in assisted housing
9 developments, as defined in paragraph (8) of subdivision (a) of
10 Section 65583, that changed to non-low-income use through
11 mortgage prepayment, subsidy contract expirations, or
12 termination of use restrictions.

13 (7) High housing costs burdens.

14 (8) The housing needs of farmworkers.

15 (9) Adopted spheres of influence for all local agencies in the
16 region.

17 (10) Adopted policies of the local agency formation
18 commission ~~in the region that relate to logical and orderly urban~~
19 ~~growth patterns.~~

20 (11) Any other factors adopted by the council of governments.

21 (e) The council of governments, or delegate subregion, as
22 applicable, shall explain in writing how each of the factors
23 described in subdivision (d) was incorporated into the
24 methodology and how the methodology is consistent with
25 subdivision (d) of Section 65584. The methodology may include
26 numerical weighting.

27 (f) Any ordinance, policy, voter-approved measure, or
28 standard of a city or county that directly or indirectly limits the
29 number of residential building permits issued by a city or county
30 shall not be a justification for a determination or a reduction in
31 the share of a city or county of the regional housing need.

32 (g) In addition to the factors identified pursuant to subdivision
33 (d), the council of governments, or delegate subregion, as
34 applicable, shall identify any existing local, regional, or state
35 incentives, such as a priority for funding or other incentives
36 available to those local governments that are willing to accept a
37 higher share than proposed in the draft allocation to those local
38 governments by the council of governments or delegate
39 subregion pursuant to Section 65584.05.

1 (h) Following the conclusion of the 60-day public comment
2 period described in subdivision (c) on the proposed allocation
3 methodology, and after making any revisions deemed appropriate
4 by the council of governments, or delegate subregion, as
5 applicable, as a result of comments received during the public
6 comment period, each council of governments, or delegate
7 subregion, as applicable, shall adopt a final regional, or
8 subregional, housing need allocation methodology and provide
9 notice of the adoption of the methodology to the jurisdictions
10 within the region, or delegate subregion as applicable, and to the
11 department.

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